

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

SHERMAN M. FRANK §
VS. § CIVIL ACTION NO. 5:07cv79
THE 339TH DISTRICT COURT §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Sherman M. Frank, an inmate confined at the Telford Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

_____Petitioner states that in 1999, he was convicted of aggravated sexual assault in the 339th District Court of Harris County, Texas. He was sentenced to life imprisonment.

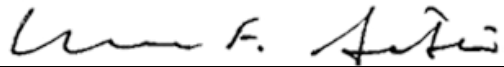
Petitioner filed this petition for writ of habeas corpus in the district in which he is currently confined. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted in Harris County, Texas. Pursuant to 28 U.S.C. § 124, Harris County is in the Houston Division of the United States District Court for the Southern District of Texas. As all records and witnesses involving this action may be located

in the Southern District, the transfer of this action to such district would further justice.

Accordingly, this case should be transferred to the Houston Division of the United States District Court for the Southern District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 6 day of July, 2007.

A handwritten signature in cursive script, appearing to read "Keith F. Giblin", written over a horizontal line.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE